

Serial No. 49736

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. FEB 27 1986

Returned to applicant for correction. MAR 26 1986

Corrected application filed. MAR 28 1986 Map filed. MAR 28 1986

The applicant. Richard D. Mercier, Giselle P. Mercier and Chris Gunther

P. O. Box 3831 of Stateline  
Street and No. or P.O. Box No. City or Town

NEVADA 89449 hereby make<sup>s</sup> application for permission to change the  
State and Zip Code No.

Point of diversion and place of use of a portion  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Claim 630, Truckee River Decree  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is. Truckee River  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.047 cfs (5.0 acre-feet)  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for. As decreed  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for. As decreed  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point. Derby Dam (N  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 19, T.20N. R.23E.  
Describe as being within a 40-acre subdivision of public survey and by course and  
M.D.B.&M.)  
distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within The SE<sup>4</sup> NW<sup>4</sup> Section 20, T20N R23E  
If point of diversion is not changed, do not answer.  
M.D.B.&M., as decreed from the Preston Ditch.

7. Proposed place of use. Within portions of the NE<sup>4</sup> SE<sup>4</sup> of section 21, and the NW<sup>4</sup> SW<sup>4</sup> of  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
section 22, T20, N R23E M.D.B.&M. (7.7 acres total of parcels

8. Existing place of use. Within the S  $\frac{1}{2}$  N  $\frac{1}{2}$  section 21, T20 N R23 E M.D.B.&M. (42 acres -  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
as decreed under claim 630) 1.25 acre removed from existing P.O.U. as shown on  
manner of use of irrigation permit, describe acreage to be removed from irrigation.  
supporting map (SW<sup>4</sup> NE<sup>4</sup> - section 21, T20N R 23 E M.D.B.&M.)

9. Use will be from As decreed to  of each year.  
Month and Day Month and Day

10. Use was permitted from As decreed to  of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Existing Derby Dam, Truckee Canal and  
State manner in which water is to be diverted, i.e. diversion structure, ditches,  
conveyance ditches  
pipes and flumes, or drilled well, etc.

12. Estimated cost of works. Already completed

13. Estimated time required to construct works. Already completed - (existing turn-out)

14. Estimated time required to complete the application of water to beneficial use. 2 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water to be used as decreed totalling 5.0 acre-feet within the proposed place of use. Priority date: August 4, 1879

Please send copies of all correspondence to:

Jim Arden	Richard D. Mercier	
855 W. 7th Street	7227 Stillbrook Ave.	
Suite 25	San Antonio, Texas 89502	By s/ Robert W. Pennington
Reno, Nevada 89503		1281 Terminal Way, Suite 221
		Reno, Nevada 89502

Compared dn/se

Protested 6/6/86 by T.C.I.D.

DENIAL OF STATE ENGINEER

~~This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:~~

This application is hereby denied on the grounds that the applicant has not submitted the data and information requested by the Office of the State Engineer, and that without this information granting of the application would threaten to prove detrimental to the public interest.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before.

Proof of completion of work shall be filed before.

Application of water to beneficial use shall be made on or before.

Proof of the application of water to beneficial use shall be filed on or before.

Map in support of proof of beneficial use shall be filed on or before.

Completion of work filed. IN TESTIMONY WHEREOF, I HUGH RICCI, P.E.

Proof of beneficial use filed. State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed. my office, this 14th day of March

Certificate No. Issued. A.D. 192006

2407 (Rev. 6-81) *Hugh Ricci, P.E.* State Engineer